

Applicants: Brethour *et al.*  
Application No. 10/712,269

## **REMARKS**

Applicants respectfully request reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

### **Examiner Interview:**

Before addressing the merits of the office action, Applicants wish to thank Examiner for the courtesy of the telephonic Interview conducted on June 29, 2006. As correctly reflected in the Interview Summary issued by Examiner, the novelty of the claimed invention lies in selecting the best figure of merit for a plurality of teeth without comparing the determined figures of merit to an initial threshold. Examiner indicated that the novelty of the invention should be reflected in the claims in order to distinguish them over the prior art. As reflected above, claims have been amended to comply with the requirement set forth by Examiner.

### **Response to Rejections under 35 U.S.C. 103(a):**

Claims 6-11, 19-24, 32 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US Patent No. 5,157,687) in view of Bi (US Patent No. 6,515,977). Examiner states Bi teaches determining a figure of merit (i.e., the indication of signal quality) dynamically in the process of assigning and de-assigning fingers in a rake receiver. Applicants respectfully traverse the rejection. Each of the techniques described by Bi involve an acceptance threshold that begins with an initial threshold value and changes as a function of the duration that a signal has been assigned to a finger such that older signals have less stringent standards to meet in order to not be de-assigned from a finger. But, as agreed with the Examiner, Bi depends on an initial threshold for selecting the best figure of merit. Therefore, Bi does not teach or suggest determining placement of a plurality of rake teeth based on comparison of at least one figure of merit without considering an initial threshold value, as required by the amended claims 1 and 19. Nor does Bi et al. teach or suggest determining whether to exclude at least one of a plurality of

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rake teeth from a demodulation computation based upon a comparison of its corresponding one of said plurality of figures of merit to a best figure of merit without considering an initial threshold, as required by claim 32. Because such claimed limitations are not taught or suggested by prior art, Applicants respectively submit that the grounds for rejection have been properly traversed.

Claims 12-16 and 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US Patent No. 5,157,687) in view of Bi (US Patent No. 6,515,977), as applied to claims 6 and 19, and further in view of Miura (US Patent No. 6,658,046). Applicants respectively submit that the grounds for rejection have been properly traversed for at least those reasons given above.

Claims 17, 18, 30 and 31 are rejected under 35 U.S.C 103(a) as being unpatentable over Ono (US Patent No. 5,157,687) in view of Bi (US Patent No. 6,515,977), as applied to claims 6 and 19, and further in view of Saints (US Patent No. 6,903,554). Applicants respectively submit that the grounds for rejection have been properly traversed for at least those reasons given above.

**Conclusion:**

Applicants respectfully submit that in view of the foregoing, all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Therefore, the Applicants respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

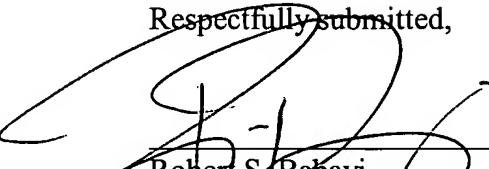
If the Examiner believes, for any reasons, that further communication will expedite prosecution of this application the Examiner is invited to telephone the undersigned at the number provided.

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Accordingly, in view of the above amendments, it is believed that the remaining claims of the present invention are in condition for allowance.

Date: August 3, 2006

Respectfully submitted,

  
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